

EXHIBIT 1



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Transcript of Dr. Matthew J.A. Wood

Date: September 19, 2024

Case: Nippon Shinyaku Co., Ltd. -v- Sarepta Therapeutics, Inc.

Planet Depos

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

- - - - - x

NIPPON SHINYAKU CO., :
LTD., :
Plaintiff, : C.A. No. 21-1015 (JLH)
v. :
SAREPTA THERAPEUTICS, :
INC., :
Defendant. :

- - - - - x

SAREPTA THERAPEUTICS, :
INC. and THE :
UNIVERSITY OF WESTERN :
AUSTRALIA, Defendant :
and Counter-Plaintiff :
v. :
NIPPON SHINYAKU CO., :
LTD. and NS PHARMA, :
INC., Plaintiff and :
Counter-Defendants. :

DR. MATTHEW J.A. WOOD

Chicago, Illinois

Thursday, September 19, 2023

9:01 a.m.

Job No.: 545432

Pages: 1 - 132

Reported By: Cynthia J. Conforti

Transcript of Dr. Matthew J.A. Wood
Conducted on September 19, 2024

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1 Deposition of DR. MATTHEW J.A. WOOD, held at
2 the offices of:

3
4
5 MORGAN LEWIS & BOCKIUS LLP
6 110 North Wacker Drive
7 Chicago, Illinois 60606
8 312.324.1000
9
10
11
12

13 Pursuant to agreement, before Cynthia J.
14 Conforti, Notary Public in and for the County of
15 Cook.
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Transcript of Dr. Matthew J.A. Wood
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A P P E A R A N C E S

ON BEHALF OF PLAINTIFF and COUNTER-DEFENDANTS
NIPPON SHINYAKU CO., LTD., NS PHARMA, INC and the
WITNESS:

SHON LO, ESQUIRE
ALLISON PATITUCCI, ESQUIRE
MORGAN LEWIS & BOCKIUS LLP
110 North Wacker Drive
Chicago, Illinois 60601
312.324.1000
DAVID L. SHRADER, ESQUIRE
(Florida office)

ON BEHALF OF THE DEFENDANT and
COUNTER-PLAINTIFFS:

DAVID P. FRAZIER, ESQ.
LATHAM & WATKINS LLP
555 Eleventh Street, NW
Suite 1000
Washington, DC 20004-1304
202.637.2200

ALSO PRESENT:

Richard Figueroa, Videographer

Transcript of Dr. Matthew J.A. Wood
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P R O C E E D I N G S

(Exhibit 101 is marked for
identification.)

09:08:08

THE VIDEOGRAPHER: Here begins Media No. 1
in the videotaped deposition of Dr. Matthew Wood
in the matter of Nippon Shinyaku Co., Ltd. vs.
Sarepta Therapeutics, Inc. in the United States
District Court for the District of Delaware, Case
Number C.A. No. 1-1015 (LPS).

09:08:08

09:08:22

09:08:25

09:08:34

09:08:35

09:08:40

Today's date is September 19, 2024. The
time on the video monitor is 9:08 a.m. The
videographer today is Richard Figueroa
representing Planet Depos.

09:08:43

09:08:46

09:08:53

09:08:55

This video deposition is taking place at
110 North Wacker Drive, Chicago, Illinois 60601.

09:08:56

09:08:59

Would counsel please voice identify
themselves and state who they represent.

09:09:04

09:09:06

MR. FRAZIER: David Frazier from Latham &
Watkins for Sarepta.

09:09:09

09:09:11

MS. LO: This is Shon Lo from Morgan,
Lewis on behalf of Nippon Shinyaku and the
witness. And also with me I have my colleagues,
Alison Patitucci and David Shrader.

09:09:12

09:09:15

09:09:20

09:09:22

THE VIDEOGRAPHER: The court reporter
today is Cynthia Conforti representing Planet

09:09:27

09:09:28

Transcript of Dr. Matthew J.A. Wood
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1	Depos. The witness will now be sworn.	09:09:37
2	(Witness sworn.)	09:09:37
3	DR. MATTHEW J.A. WOOD,	09:09:37
4	having been duly sworn, was examined and testified	09:09:37
5	as follows:	09:09:37
6	EXAMINATION	09:09:38
7	BY MR. FRAZIER:	09:09:38
8	Q Good morning, Dr. Wood.	09:09:39
9	A Good morning.	09:09:40
10	Q You've been deposed in this case before?	09:09:41
11	A Yes, I have.	09:09:43
12	Q In November of 2023, does that sound	09:09:44
13	right?	09:09:46
14	A That's correct, yes.	09:09:46
15	Q Okay. And so let me just go over a couple	09:09:47
16	of things briefly, logistics. You understand	09:09:48
17	we're on an audio record, so it's important that	09:09:52
18	we not speak at the same time so --	09:09:54
19	A I do.	09:09:56
20	Q So if you let me finish my questions and	09:09:56
21	try not to jump in, I'll do the same for you, all	09:09:59
22	right?	09:10:03
23	A [Nonverbal response.]	09:10:03
24	Q All right. Okay. Then, also, you	09:10:04
25	understand that you're not to speak with your	09:10:07

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1	Q And a morpholino is also a structural	09:40:13
2	requirement, correct?	09:40:18
3	A It is.	09:40:18
4	Q You agree that the claim itself does not	09:40:19
5	say anything about using modified nucleobases,	09:40:21
6	correct?	09:40:29
7	A But it does not exclude them.	09:40:29
8	Q All right. And so just to get a clear	09:40:33
9	answer to my question, you agree that the claim	09:40:35
10	does not say anything about modified nucleobases?	09:40:39
11	A I agree, but because it -- they're not	09:40:44
12	specifically excluded, then one must interpret the	09:40:47
13	claim as including them.	09:40:49
14	Q And likewise, the claim does not recite	09:40:51
15	anything about being conjugated or attached in any	09:40:53
16	way to other moieties, correct?	09:40:59
17	A That's correct. But it doesn't	09:41:02
18	specifically exclude such moieties.	09:41:05
19	Q And then, finally, you agree that the	09:41:09
20	claim does not recite any internucleoside	09:41:12
21	linkages, correct?	09:41:19
22	A That's correct, but it does not exclude	09:41:20
23	variations on those types of linkages.	09:41:22
24	Q Well, you agree that the term "morpholino"	09:41:27
25	is used interchangeably with the term "PMO" which	09:41:33

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1	does in fact fix particular internucleoside	09:41:40
2	linkages, correct?	09:41:43
3	MS. LO: Objection to form.	09:41:44
4	THE WITNESS: I said that they're used	09:41:46
5	interchangeably in a colloquial sense. In a	09:41:47
6	strictly and precise scientific sense, they're not	09:41:47
7	interchangeable. Morpholino refers to compounds	09:41:51
8	with a morpholino ring of which PMO is one type.	09:41:55
9	BY MR. FRAZIER:	09:42:17
10	Q Now, you're not offering opinions	09:42:17
11	concerning the validity of the '851 patent,	09:42:19
12	correct?	09:42:21
13	A That's correct.	09:42:21
14	Q You're not offering any opinions on the	09:42:22
15	written description requirement, correct?	09:42:25
16	A That's correct.	09:42:26
17	Q And you're not offering any opinions on	09:42:27
18	the enablement requirement?	09:42:29
19	A Correct.	09:42:31
20	Q So you have no view one way or another	09:42:33
21	that you're planning to offer in this case about	09:42:35
22	the validity of the '851 patent, correct?	09:42:38
23	A I haven't a view at all. I haven't -- I	09:42:41
24	haven't considered it.	09:42:44
25	Q You haven't considered the issue of the	09:42:45

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1	BY MR. FRAZIER:	12:54:43
2	Q You may still proceed.	12:54:43
3	A Yeah, I think the scientifically precise	12:54:45
4	definition of a morpholino is a compound with a	12:54:49
5	morpholino ring.	12:54:55
6	Q But you understand what's put forth here	12:54:57
7	in paragraph 111 and specifically this figure on	12:54:59
8	page 40 to be illustrating a phosphoramidate	12:55:03
9	linkage, in other words, a PMO?	12:55:08
10	A Which is a type of --	12:55:09
11	MS. LO: Objection -- oh, sorry. Same	12:55:11
12	objections.	12:55:14
13	THE WITNESS: Which is a type of	12:55:14
14	morpholino.	12:55:15
15	BY MR. FRAZIER:	12:55:16
16	Q Right. And here it's just described as a	12:55:17
17	morpholino, right?	12:55:19
18	MS. LO: Objection, asked and answered.	12:55:20
19	THE WITNESS: Well, the context is a	12:55:25
20	morpholino is a compound that contains a	12:55:27
21	morpholine ring of which this is one type.	12:55:30
22	BY MR. FRAZIER:	12:55:33
23	Q And the title on the figure illustrates a	12:55:33
24	phosphoramidate and describes it as a morpholino,	12:55:39
25	correct?	12:55:43

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CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Cynthia J. Conforti, Certified
Shorthand Reporter No. 084-003064, CSR, CRR, and a
Notary Public in and for the County of Cook, State
of Illinois, the officer before whom the
foregoing deposition was taken, do hereby certify
that the foregoing transcript is a true and
correct record of the testimony given; that said
testimony was taken by me stenographically and
thereafter reduced to typewriting under my
direction; that reading and signing was requested;
and that I am neither counsel for, related to, nor
employed by any of the parties to this case and
have no interest, financial or otherwise, in its
outcome.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal this 23rd day of
September, 2024.

My commission expires: January 4, 2028

Cynthia J. Conforti

Notary Public in and for the
State of Illinois

No. 545432

Re: Deposition of Dr. Matthew J.A. Wood

Date: 9/19/2024

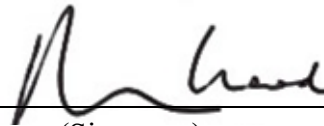
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Page	Line	Correction/Change	Reason
22	1	'I'm' should read as 'It's'	Mistranscription
24	6	'I.' should read 'I do'	Mistranscription
25	5	'oligonucleotides +39 to +69' should read 'oligonucleotide +39 to +69'	Misspelling
27	9	'It's impossible to determine whether is' should read 'It's impossible to determine whether there'	Mistranscription
31	8	'with a morpholino ring of which PMO is one type' should read 'with a morpholine ring of which PMO is one type'	Misspelling
36	9	'that I was doing was in an interview in this case' should read 'that I was doing was in an interference case'	Mistranscription
57	9	'included group Dr. Dickson' should read 'group included Dr. Dickson'	Mistranscription
57	16	'it was the Wilkin Trust, which is a foundation in' should read 'it was the Wellcome Trust, which is a foundation in'	Mistranscription
66	24	'Well, to practice full scale with the' should read 'Well, to practice the full scope of the'	Mistranscription
79	21	'it's debatable as to whether that archetype really' should read 'it's debatable as to whether that compound really'	Mistranscription
84	17	'that this relates to the Watanabee 318 PCT' should read 'that this relates to the Watanabe 318 PCT'	Misspelling
84	20	'that were reported in the Watanabee PCT 318' should read 'that were reported in the Watanabe PCT 318'	Misspelling
84	23	'And the Watanabee PCT 318, you understand,' should read 'And the Watanabe PCT 318, you understand,'	Misspelling
94	3	'Well, they hadn't arrived at a prior' should read 'Well, they hadn't used a prior'	Mistranscription
121	5	'morpholino ring.' should read 'morpholine ring.'	Misspelling

October 1, 2024

(Date)



(Signature)

Re: Deposition of **Dr. Matthew J.A. Wood**

Date: 9/19/2024

Case: Nippon Shinyaku Co., Ltd. -v- Sarepta Therapeutics, Inc.

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ACKNOWLEDGMENT OF DEPONENT

I, Dr. Matthew J.A. Wood, do hereby
acknowledge that I have read and examined the
foregoing testimony, and the same is a true, correct
and complete transcription of the testimony given by
me and any corrections appear on the attached Errata
sheet signed by me.

October 1, 2024

(Date)

(Signature)